

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STANCY NESBY,
Plaintiff,

No. C 05-3555 JL

v.

CONTINUANCE

THE CITY OF OAKLAND, ET AL.,
Defendants.

The Court received the letter briefs of the parties regarding their separate proposals for scheduling the settlement conference and trial in this case. A settlement conference before Magistrate Judge Chen is scheduled on January 9, 2007. Defendants' motion for summary judgment is set for hearing before this Court on January 10, 2007. Pretrial documents are due to be filed January 19 and trial is set to begin February 20.

Defendants contend that they will be unable to engage in meaningful settlement negotiations prior to receiving the Court's ruling on their motion for summary judgment, which could potentially result in dismissal of Plaintiff's claims for unlawful arrest, illegal detention and excessive time in detention, and leave only her claims for use of excessive force by the defendant police officers. Defendants ask the Court to continue both the settlement conference and the trial, so that they will not be forced to waste their client's resources in filing pretrial documents dealing with issues which may not survive summary judgment.

1 Plaintiffs agree to a continuance of the settlement conference, but ask the Court to
2 assign this case to private mediation and deny Defendants' motion to continue the trial
3 date. Plaintiff also complains that Defendants have not yet disclosed their experts in
4 rebuttal, due 30 days after Plaintiff's November 11 disclosure, and that Defendants will not
5 make their experts available for deposition until January 15, 2007.

6 In the interests of facilitating resolution of this case, this Court hereby vacates the
7 settlement conference before Magistrate Judge Chen and adopts the schedule proposed
8 by Defendants:

9 Trial: June 18, 2007

10 Pretrial Conference: May 30, 2007

11 Filing of Objections or Oppositions: May 21, 2007

12 Filing of Pretrial Documents: May 10, 2007

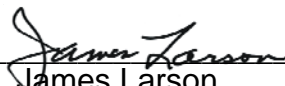
13 Last day to meet and confer on Pretrial Documents: April 30, 2007

14 Settlement Conference: Early February 2007, or at the convenience of Magistrate
15 Judge Chen's calendar.

16 The Court reminds the parties to provide discovery according to the existing
17 deadlines.

18 IT IS SO ORDERED.

19 DATED: December 19, 2006

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22 James Larson
23 Chief Magistrate Judge
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